UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,583	02/28/2002	William J. Purpura	7784-000397	3936

27572 7590 11/28/2005

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
PHILIPPE, GIMS S	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,583	PURPURA, WILLIAM J.	
	Examiner	Art Unit	
	Gims S. Philippe	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. Applicant's response received on October 12, 2005 has been fully considered and entered but the arguments are not deemed to be persuasive.

REMARKS:

The examiner has reviewed the applicant's remarks with respect to the final rejection. The examiner understand the applicant's arguments, however, the prior art presented, Ito US Patent no. 6,244,015, was on the record. In other words, the examiner accepts that the typographical error stating *"necessitated new grounds of rejection"* as being misleading, the present rejection is, nonetheless, considered final. Ito, the prior art of record was used initially and was maintained through the prosecution.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-5, 7, 14, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Patent no. 6,244,015) for the same reasons as previously set forth in the last office action mailed on September 19, 2005.

Regarding the above claims, the applicant argues that Ito does not teach or suggest a heads-up display since claim 1 includes a heads-up display for displaying a set of data transmitted thereto by the controller. The examiner respectfully disagrees since the monitor of Ito is the heads-up display. The location of the heads-up display is not relevant in the claim. In fact, even if the applicant would consider the location as part of an argument, this would be considered as an obvious design choice. The examiner finds no need to show obviousness since it is clear to one skilled in the art that Ito provides a heads-up display as shown in the monitor 113. Further, a close look at fig. 11 will show that the monitor 113 is in close relation with the site worker helmet.
In addition, both the monitor in Ito and the heads-up display of the applicant performs the same function of heads-up displays.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US Patent no. 6244015) for the same reasons as previously set forth in the last office action mailed on September 19, 2005.

Regarding the above claims, the applicant argues that these claims should allowed for the same reasons set forth for claim 1. However, the arguments with respect to claim 1 have been answered and no specific argument with respect to claim 8-9 is presented. It is therefore, plausible to conclude that the claims were properly rejected.

6. Claims 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US Patent no. 6244015) in view of Jacobsen et al. (US Patent no. 6198394) for the same reasons as previously set forth in the last office action mailed on September 19, 2005.

Regarding the above claims, the applicant further argues that neither Ito nor Jacobsen teaches or suggests an alarm device that is activated upon entry into an unauthorized area. The examiner respectfully disagrees since in col. 11, lines 46-50 and col. 12, lines 24-27, Jacobsen et al. clearly teaches such feature. In addition, the dispatched signal as taught in Jacobsen is used to indicate problems situations. Such problem

situations followed by a signal is considered as an alarm signal. Jacobsen's alarm with illumination or sound signal when an alarm condition is present is understood as being the claimed alarm.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US Patent no. 6244015) in view of Curatolo et al. (US Patent no. 6510380) for the same reasons as previously set forth in the last office action mailed on September 19, 2005.

Regarding claim 2, the applicant argues that there is no suggestion in the Ito and Curatolo references to incorporate GPS receivers. The examiner respectfully disagrees since the examiner introduced Curatolo to combine it with Ito because Curatolo teaches such feature in col. 3, lines 5-7 and col. 7, lines 7-10.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

November 22, 2005